



SCHOOL OF LAW
CASE WESTERN RESERVE
UNIVERSITY

Health Matrix: The Journal of Law-Medicine

Volume 26 | Issue 1

2016

Volume 26 (2016)

Case Western Reserve University Health Matrix: Journal of Law-Medicine

Follow this and additional works at: <https://scholarlycommons.law.case.edu/healthmatrix>



Part of the [Health Law and Policy Commons](#)

Recommended Citation

Case Western Reserve University Health Matrix: Journal of Law-Medicine, *Volume 26 (2016)*, 26 Health Matrix Iss. 1 (2016)
Available at: <https://scholarlycommons.law.case.edu/healthmatrix/vol26/iss1/2>

This Front Matter is brought to you for free and open access by the Student Journals at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Health Matrix: The Journal of Law-Medicine by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.



CASE WESTERN RESERVE

HEALTH MATRIX: Journal of Law-Medicine

Volume 26

2016

THE OLIVER C. SCHROEDER, JR. SCHOLAR-IN-RESIDENCE LECTURE

Nancy Northup Sneaking Around the Constitution: Pretextual “Health” Laws and the Future of *Roe v. Wade*

SYMPOSIUM

Michele Goodwin The Pregnancy Penalty

Caitlin Borgmann Borrowing from Dormant Commerce Clause Doctrine in Analyzing Abortion Clinic Regulations

Robin West *Hobby Lobby*, Birth Control, and Our Ongoing Cultural Wars: Pleasure and Desire in the Crossfires

Jennifer S. Hendricks Genetic Essentialism in Family Law

ARTICLES

Fazal Khan The “Uberization” of Healthcare: The Forthcoming Legal Storm over Mobile Health Technology’s Impact on the Medical Profession

Karen Oehme, Nat Stern, Elizabeth Donnelly & Rebecca Melvin Improving the Emergency Medical Services System’s Response to Domestic Violence

Debbie N. Kaminer Mentally Ill Employees in the Workplace: Does the ADA Amendments Act Provide Adequate Protection?

Anya E.R. Prince Tantamount to Fraud?: Exploring Non-Disclosure of Genetic Information in Life Insurance Applications as Grounds for Policy Rescission

Barbara Andraka-Christou America Needs the TREAT Act: Expanding Access to Effective Medication for Treating Addiction

Rene F. Najera & Dorit R. Reiss First Do No Harm: Protecting Patients Through Immunizing Health Care Workers

NOTES

Lindley A. Bassett The Constitutionality of Solitary Confinement: Insights from Maslow’s Hierarchy of Needs

Megan Helton Human Trafficking: How a Joint Task Force Between Health Care Providers and Law Enforcement Can Assist with Identifying Victims and Prosecuting Traffickers

HEALTH MATRIX: JOURNAL OF LAW-MEDICINE

Volume 26
2016



SCHOOL OF LAW

CASE WESTERN RESERVE
UNIVERSITY

Health Matrix is grateful to the Law-Medicine Center at Case Western Reserve University School of Law for its sponsorship of symposia and conferences concerning the latest developments in the area of law and medicine. Over the course of more than fifty years, the Center has broadened its focus from issues involving forensic medicine to the whole range of legal, social, economic, scientific, and ethical issues in which law and medicine are interrelated.

© 2016 by Health Matrix: Journal of Law-Medicine

Health Matrix: Journal of Law-Medicine (ISSN 0748-383X) is published annually by the students of Case Western Reserve University School of Law.

Citations conform to *The Bluebook: A Uniform System of Citation* (20th ed. 2015). Style conforms generally to the *Chicago Manual of Style* (16th ed. 2010).

Health Matrix welcomes submissions of original articles. Possible topical areas include: legal medicine, health law and policy, professional liability, biomedical ethics, and medical-legal research.

Send correspondence to h-matrix@case.edu or to:

Health Matrix: Journal of Law-Medicine
Case Western Reserve University School of Law
11075 East Boulevard
Cleveland, Ohio 44106

Visit our webpage: <http://law.case.edu/journals/HealthMatrix>

Subscriptions may be entered for the entire volume for \$16.00 per year for domestic and \$18.00 for foreign subscribers.

Back issues are available from William S. Hein & Co., Inc., 2350 North Forest Rd., Getzville, New York 14068, or online at www.wshein.com/catalog/114311. Back issues are also available in electronic format at www.heinonline.org.

For all photocopy or republication requests please contact Copyright Clearance Center, Inc. by mail: 222 Rosewood Drive, Danvers, Massachusetts 01923, by phone: (855) 239-3415, by fax: (978) 646-8600, by email: info@copyright.com, or online at www.copyright.com.

Selected Health Matrix articles are indexed in the National Reference Center for Bioethics Literature, Kennedy Institute of Ethics, Georgetown University, Washington, D.C. Volume 3 and subsequent volumes indexed in the Index to Legal Periodicals and available on Lexis/Nexis, Thomson, HeinOnline, EBSCO, Gale Group, H.W. Wilson, and PAIS.

This issue went to press in April 2016.

HEALTH MATRIX: JOURNAL OF LAW-MEDICINE

Volume 26

2016

Editor-in-Chief
AMY LEDIG

Managing Editor
SHAZIAH SINGH

Executive Articles Editor
KAYLA ANNE BAKER

Copy & Publications Editor
DAVID ELIAS

KAITLYN APPLEBY
YORGOS
PAPADOPOULOS

Executive Notes Editors
MARAL AROJOMANDI
MEGAN HELTON
ANTHONY SANTIAGO

ATAKELTI DESTA
MATTHEW MOLDOVANYI

ALEXANDER FRAME
HUNTER KNIGHT
BRADLEY OUAMBO
TYLER SCOTT

Associate Editors
ALEXA JOHNSON
JAMES LESINSKI
ALEX PALOMBA

EMILY KNIGHT
HILDA MARINELLO
RACHEL RUBENSTEIN
LAUREN TONTI

Faculty Advisor
SHARONA HOFFMAN

THE OLIVER C. SCHROEDER, JR.
SCHOLAR-IN-RESIDENCE LECTURE

Sneaking Around the Constitution: Pretextual “Health” Laws in the Future of <i>Roe v. Wade</i> <i>Nancy Northup</i>	1
---	---

SYMPOSIUM

The Pregnancy Penalty <i>Michele Goodwin</i>	17
Borrowing from Dormant Commerce Clause Doctrine in Analyzing Abortion Clinic Regulations <i>Caitlin E. Borgmann</i>	41
<i>Hobby Lobby</i> , Birth Control, and Our Ongoing Cultural Wars: Pleasure and Desire in the Crossfires <i>Robin West</i>	67
Genetic Essentialism in Family Law <i>Jennifer S. Hendricks</i>	109

ARTICLES

The “Uberization” of Healthcare: The Forthcoming Legal Storm over Mobile Health Technology’s Impact on the Medical Profession <i>Fazal Khan</i>	123
Improving the Emergency Medical Services System’s Response to Domestic Violence <i>Karen Oehme, Nat Stern, Elizabeth Donnelly & Rebecca Melvin</i>	173
Mentally Ill Employees in the Workplace: Does the ADA Amendments Act Provide Adequate Protection? <i>Debbie N. Kaminer</i>	205
Tantamount to Fraud?: Exploring Non-Disclosure of Genetic Information in Life Insurance Applications as Grounds for Policy Rescission <i>Anya E.R. Prince</i>	255
America Needs the TREAT Act: Expanding Access to Effective Medication for Treating Addiction <i>Barbara Andraka-Christou</i>	309

First Do No Harm: Protecting Patients Through Immunizing Health Care Workers	363
<i>Rene F. Najera & Dorit R. Reiss</i>	

NOTES

The Constitutionality of Solitary Confinement: Insights from Maslow's Hierarchy of Needs	403
<i>Lindley A. Bassett</i>	
Human Trafficking: How a Joint Task Force Between Health Care Providers and Law Enforcement Can Assist with Identifying Victims and Prosecuting Traffickers	433
<i>Megan Helton</i>	